



**Public Hearing
Judiciary Committee
Testimony Submitted by Lindsay Beaver,
Legislative Counsel, Uniform Law Commission
In SUPPORT of HB 5237 The Uniform Interstate Deposition and Discovery Act
March 4, 2022
In Support of HB 5237**

Members of the Judiciary Committee, I am Lindsay Beaver, Legislative Counsel at the Uniform Law Commission (ULC), submitting written **testimony in SUPPORT of HB 5237**, which would adopt the Uniform Interstate Deposition and Discovery Act (UIDDA) in Connecticut. This act would allow the subpoena of out-of-state witnesses with increased efficiency. The Uniform Law Commission promulgated this act in 2007. Since then, the act has been incorporated into state law in 46 jurisdictions either through statute or by court rule. This year, both Connecticut and Missouri are considering the UIDDA. This track record is a testament to wide acceptance of the act as well as the desire to improve upon civil procedure across the country in a manner that lowers costs of litigation and removes burdens from already overwhelmed court dockets.

The UIDDA is simple and efficient. It establishes a clerical procedure under which a trial state subpoena may be reissued as a discovery state subpoena. Under the act, the out-of-state subpoena will be presented to the Clerk of the Court in Connecticut. Upon presentation of the out-of-state subpoena, the Clerk will issue a Connecticut subpoena that incorporates the terms of the out-of-state subpoena. This action does not constitute an appearance in the court but is sufficient to invoke jurisdiction over the deponent.

The UIDDA minimizes judicial oversight, eliminating the need for obtaining a commission, letters rogatory, filing a miscellaneous action, or other preliminary steps before obtaining a subpoena in the discovery state. Removing judicial involvement with a ministerial process conserves judicial resources and keeps costs low for all parties involved. The act protects residents of the Connecticut from unreasonable and burdensome discovery requests. Under the act, motions brought to enforce, quash, or modify a subpoena, or for protective orders, must be brought in the Connecticut courts and are governed by the discovery rules of this state.

The drafting committee for the UIDDA benefited from the participation of observers from the American Association for Justice, the Association of Trial Lawyers of America, and the Federation of Defense and Insurance Counsel, all with significant experience with the issues related to interstate depositions. Adding to the many endorsements of the UIDDA, the Conference of Chief Justices issued a resolution in August 2009 recognizing that the UIDDA provides an efficient and cost-effective procedure for litigants to depose out-of-state individuals and seek production of discoverable materials that may be located out of state.

In sum, the UIDDA is offers a well-established and streamlined solution that minimizes the need for court involvement in the discovery process. **I respectfully urge this committee to act favorably on HB 5237.**
Thank you.